

APPROVED MINUTES

KITTERY TOWN COUNCIL

January 27, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Jeffrey Pelletier, Frank Dennett, Judy Spiller, Charles Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The Agenda was accepted as presented.

6. Reserved

7. Acceptance of Previous Minutes – 1/13/14

The minutes of 1/13/14 were approved as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

10. PUBLIC HEARINGS -

a. (010314-1) The Kittery Town Council will hold a public hearing on, and hereby ordains amendments to, Title 2, Administration and Personnel, Chapter 2.4 Personnel Positions Established and Chapter 2.5, Compensation, of the Kittery Town Code.

Chairperson Thomson indicated that this public hearing had been advertised in the local, printed media.

Janice Grady, Director of the Recreation Department, came to the podium and gave a brief description of the preschool program at the Community Center. Ms. Grady continued that

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she was looking to add two full time teachers and they had a lot of staff turnover because most of the positions had been part time. She continued that she thought this would add consistency to the program and that the children would feel more comfortable having the same teachers. Ms. Grady noted that adding these two positions would not require any additional taxpayer funds as she had some extra funds in her budget that she was not currently using. She continued that the KCC was self-serving and served the needs of the community.

Chairperson Thomson then opened the public hearing.

Barry Fitzpatrick came the podium and stated that he thought that Kittery needed to take advantage of the opportunities that would be coming down from the State and Federal governments and stated that having a great pre-K was paramount to getting a good education.

Chairperson Thomson then closed the public hearing. Councilor Denault thanked Ms. Grady for putting together a great proposal.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE AND HEREBY ORDAINS AMENDMENTS TO TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.4 PERSONNEL POSITIONS ESTABLISHED AND CHAPTER 2.5, COMPENSATION, TO BE CODIFIED IN THE KITTERY TOWN CODE, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett indicated that he had various concerns about the proposal and thought extra time was needed to correct the problems.

COUNCILOR DENNETT MOVED TO POSTPONE ACTION UNTIL THE MEETING SCHEDULED FOR 2/10/14, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

11. DISCUSSION

a. Discussion by members of the public (three minutes per person) –

Bob Harris came to the podium and stated that he disagreed with the budget increases and thought that they were too much. He continued there were pollution issues in the town including the Imhoff tank, which had not been taken care of and that current issues should be dealt with before new issues were tackled. Mr. Harris stated that the window of opportunity would be closing soon on bringing a casino to Kittery and that he thought it was a good idea as it would bring jobs and revenues to the town.

Rob Nichols, Project Manager of the Rustlewood Farm conservation project, came to the podium and stated that he was pleased to announce that the KLT had closed on, and completed

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the purchase of the two conservation easements. He stated his heartfelt thanks for the support from the Council and town on the project.

b. Chairperson's response to public –

Chairperson Thomson stated to Mr. Harris that the budget parameters were a starting point and were not set in stone. Chairperson Thomson indicated relative to the Imhoff tank, that he was not sure where that stood and asked the town manager to get some information on the matter. Chairperson Thomson noted that the Kittery Town Charter outlawed having casinos in town.

12. UNFINISHED BUSINESS –

a. (120113-2) The Kittery Town Council moves to approve, and hereby ordains amendments to, Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4, Permit Period.

Chairperson Thomson stated that there was currently a motion on the floor.

Councilor Dennett indicated his issues with the item and stated he thought they needed to postpone action.

COUNCILOR DENNETT MOVED TO POSTPONE ACTION UNTIL THE MEETING SCHEDULED FOR FEBRUARY 10, 2014, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

Councilor Dennett indicated that he would like to make another motion if the Chair would allow. Chairperson Thomson responded that he would allow it.

COUNCILOR DENNETT MOVED TO REJECT ANY FURTHER CONSIDERATION ON AMENDMENTS TO TITLE 16.5.2.4 BASED ON RECOMMENDATIONS OF THE TOWN MANAGER'S REVIEW GROUP, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (120113-3) The Kittery Town Council moves to approve, and hereby ordains amendments to Title 16, Chapter 16.11, Marine-Related Development, 16.11.1 Authority and Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

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Chairperson Thomson stated there was a motion currently on the floor. Councilor Dennett went over his concerns with the ordinance.

COUNCILOR DENNETT MOVED TO AMEND THE MAIN MOTION TO AMEND LINE 148 TO DELETE THE NUMBER “4”, AMEND LINE 140 TO INSERT “(IMAGES AVAILABLE ON THE PUBLIC DOMAIN)”, AND LINE 197 TO INSERT “EXCLUDING TOWN BUILDING PERMITS”, SECONDED BY COUNCILOR THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (010214-5) The Kittery Town Council moves to consider and approve amendments to Council Rules, Section 15, Standing Committees, (B), the Ordinance Review Committee, regarding membership and duties.

Councilor Denault stated that the Ordinance Review Committee was already created and that he had just changed the wording. Chairperson Thomson indicated that ORC was currently dormant and the Town Manager had indicated that she would like to take a different approach by creating a standing review group that would meet every Monday to review various matters. Councilor Denault noted that since he had started there had been nothing but headaches with ordinances and thought that bringing ORC back to life might alleviate some problems. Councilor Thomson responded that ORC had gone into hibernation because Council had issues on whether the intent of the ordinance was being reworked and that he was hesitant to say that the Town Manager’s approach was not working and thought they should allow it some more time to grow. Councilor White stated he thought that the Town Manager’s effort was doing well and appreciated the sentiment of reviving ORC, but wanted to let the Town Manager absorb this information and possibly invite interested Councilors to participate. Councilor Dennett indicated that he was in support of this effort and that it would just be another set of eyes to double check matters.

COUNCILOR DENAULT MOVED TO APPROVE AMENDMENTS TO COUNCIL RULES, SECTION 15, STANDING COMMITTEES, (B), THE ORDINANCE REVIEW COMMITTEE, REGARDING MEMBERSHIP AND DUTIES, SECONDED BY COUNCILOR BRAKE.

Councilor Spiller stated she thought they should give the Town Manager an opportunity to get her group up to speed and that she was not a fan of ORC. Councilor Pelletier echoed Councilor Spiller’s comments.

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A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER, COUNCILOR PELLETIER, COUNCILOR WHITE AND CHAIRPERSON THOMSON OPPOSED. MOTION DOES NOT CARRY 3/4.

13. NEW BUSINESS

a. (010314-2) The Kittery Town Council moves to accept a check in the amount of \$9,250 representing the second installment for scholarships for Recreation Programs, to be deposited in Acct. #5003-43600, York Hospital Scholarship.

COUNCILOR PELLETIER MOVED TO ACCEPT A CHECK IN THE AMOUNT OF \$9,250 REPRESENTING THE SECOND INSTALLMENT FOR SCHOLARSHIPS FOR RECREATION PROGRAMS, TO BE DEPOSITED IN ACCT. #5003-43600, YORK HOSPITAL SCHOLARSHIP, SECONDED BY COUNCILOR SPILLER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

(010314-3) The Kittery Town Council moves to accept a check in the amount of \$3,830.45 from the Clynk program, to be deposited in Acct. #5010-43600, Recycling Scholarship.

COUNCILOR BRAKE MOVED TO ACCEPT A CHECK IN THE AMOUNT OF \$3,830.45 FROM THE CLYNK PROGRAM, TO BE DEPOSITED IN ACCT. #5010-43600, RECYCLING SCHOLARSHIP, SECONDED BY COUNCILOR SPILLER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (010314-4) The Kittery Town Council moves to approve amending the Personnel Positions – Classification Policy to include the two proposed job descriptions as presented for the Kittery Community Center.

Chairperson Thomson stated that Council was asked not to act on this item that evening.

c. (010314-5) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (010314-6) The Kittery Town Council moves to consider and approve amendments to Council Rules, Section 12, Agenda, Item 15b – Town Manager's Report.

Councilor Denault indicated that he was looking to move the town manager's report from the end of the meeting to the beginning of the agenda under Item 6 which was currently reserved.

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He continued that the report contains lots of pertinent information and it could be beneficial for Council and the public to hear it at the beginning of the meeting so people could ask questions of her at that meeting.

COUNCILOR DENAULT MOVED TO APPROVE AMENDMENTS TO COUNCIL RULES, SECTION 12, AGENDA, ITEM 15B – TOWN MANAGER’S REPORT, SECONDED BY COUNCILOR WHITE.

Chairperson Thomson asked Town Manager Puff if her report had always been at the end of meetings or if it had varied. Town Manager Puff indicated that she could not remember and it did not matter much to her. She continued that the report was now posted online so residents could read it and ask questions currently.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (010314-7) The Kittery Town Council moves to sign a certificate of settlement in accordance with 36 MRS 763 discharging Maryann Place as Tax Collector from further liability or obligation to collect the balance due for the years 2005-2013.

COUNCILOR SPILLER MOVED TO SIGN A CERTIFICATE OF SETTLEMENT IN ACCORDANCE WITH 36 MRS 763 DISCHARGING MARYANN PLACE AS TAX COLLECTOR FROM FURTHER LIABILITY OR OBLIGATION TO COLLECT THE BALANCE DUE FOR THE YEARS 2005-2013, SECONDED BY COUNCILOR BRAKE.

Town Manager Puff indicated that there was currently a problem with the figures listed. Chairperson Thomson indicated they would not take any action that evening.

f. (010314-8) The Kittery Town Council moves to recommit the 2005-2013 taxes to Nancy Colbert Puff.

No action was taken.

g. (010314-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Denise Payne for her appointment as a full member until May 3, 2016.

COUNCILOR SPILLER MOVED TO APPOINT COUNCILOR PELLETIER TO MEET WITH THE CHAIR OF THE PARKS COMMISSION TO INTERVIEW DENISE PAYNE FOR HER APPOINTMENT AS A FULL MEMBER UNTIL MAY 3, 2016, SECONDED BY COUNCILOR PELLETIER.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

h. (010314-10) The Kittery Town Council moves to appoint to David Lincoln to the Parks Commission as a full member until 5/3/14.

COUNCILOR DENAULT MOVED TO APPOINT DAVID LINCOLN TO THE PARKS COMMISSION AS A FULL MEMBER UNTIL 5/3/14, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

i. (010314-11) The Kittery Town Council moves to approve the renewal application from Loco Coco's Tacos Corp. for a Malt, Spirituous and Vinous Liquor License for Loco Coco's Tacos, 36 Walker Street, Kittery.

COUNCILOR SPILLER MOVED TO APPROVE THE RENEWAL APPLICATION FROM LOCO COCO'S TACOS CORP. FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR LOCO COCO'S TACOS, 36 WALKER STREET, KITTERY, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

j. (010314-12) The Kittery Town Council moves to sign a Release Deed, releasing a 2010 tax lien to Theresa Crowley of Dover, New Hampshire for property located at 6-8 Boush Street, Kittery, Tax Map 15, Lot 56.

COUNCILOR PELLETIER MOVED TO SIGN A RELEASE DEED, RELEASING A 2010 TAX LIEN TO THERESA CROWLEY OF DOVER, NEW HAMPSHIRE FOR PROPERTY LOCATED AT 6-8 BOUSH STREET, KITTERY, TAX MAP 15, LOT 56, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

k. (010314-13) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Donald Moore for his re-appointment to that board until 5/31/16.

COUNCILOR DENNETT MOVED TO WAIVE COUNCIL RULES AND REAPPOINT DONALD MOORE TO THE CONSERVATION COMMISSION FOR A TERM ENDING 5/31/16, SECONDED BY COUNCILOR SPILLER.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

l. (010314-14) The Kittery Town Council moves to sign a construction overlimit permit to allow the contractor to transport construction equipment that exceeds legal weight limits over municipal roads for MDOT Project No. 019283, US Route 1 Bypass and Route 236, Overpass Bridge Replacement.

COUNCILOR SPILLER MOVED TO SIGN A CONSTRUCTION OVERLIMIT PERMIT TO ALLOW THE CONTRACTOR TO TRANSPORT CONSTRUCTION EQUIPMENT THAT EXCEEDS LEGAL WEIGHT LIMITS OVER MUNICIPAL ROADS FOR MDOT PROJECT NO. 019283, US ROUTE 1 BYPASS AND ROUTE 236, OVERPASS BRIDGE REPLACEMENT, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR. MOTION PASSES 7/0.

m. (010314-15) The Kittery Town Council moves to discuss the appointment of members to the Economic Development Committee.

Town Clerk Place indicated that after review, it was her understanding that members could be appointed without interviews.

COUNCILOR DENNETT MOVED TO REAPPOINT JOHN CARLSON AND STEVE KOSACZ AND APPOINT GARY BEERS AND PATRICK TREVINO TO THE ECONOMIC DEVELOPMENT COMMITTEE FOR TERMS ENDING 12/31/14, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

n. (010314-16) The Kittery Town Council moves to approve the request from Suzanne Kuehl to collect signatures for Eliot Cutler at the Recycling Resource Recovery Facility on Saturday, February 8, 2014 from 9:00 a.m until noon in the designated area(s).

COUNCILOR PELLETIER MOVED TO APPROVE THE REQUEST FROM SUZANNE KUEHL TO COLLECT SIGNATURES FOR ELIOT CUTLER AT THE RECYCLING RESOURCE RECOVERY FACILITY ON SATURDAY, FEBRUARY 8, 2014 FROM 9:00 A.M. UNTIL NOON IN THE DESIGNATED AREA(S), SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR.

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e. Town Manager Puff indicated that the total on the settlement certificate had been fixed. Councilor Dennett indicated that he thought that it should be reviewed as it was very important to get the total correct.

COUNCILOR DENNETT MOVED TO POSTPONE ACTION ON ITEMS 13 E & F UNTIL THE MEETING SCHEDULED FOR 2/10/14, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MOTION PASSES 7/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Dennett indicated that Councilor White did not think he had been appointed to the EDC. He continued that after some review, it was confirmed that Councilor White had only been appointed to the Comprehensive Plan Committee and was never appointed to the EDC contrary to what town documents stated.

Councilor Denault stated that Kittery had adopted a no tolerance policy with regard to out of vehicles registering their vehicles in Kittery. He continued there was still a problem with this in town and wanted an update from the Police Department on how they were doing.

Councilor Denault indicated that he had felt blindsided as there was a lot of information that Council was not getting. He stated he wanted to be informed of issues in town and in the school in a timely manner.

Councilor Spiller stated she would like to see the Shared Services Committee expand their role to look at inter-municipal agreements and serve as a sounding board. She continued if Council was interested in seeing an expanded charge, she and Councilor Denault would be happy to bring one forward.

Councilor Spiller indicated she would like to have a workshop on the FEMA maps.

Councilor Spiller noted that anyone whose health could be compromised by the cold weather should contact the police department or fire department and let them know.

Councilor White stated he was happy to see that the Brownsfield Grant had moved forward.

Councilor White noted that he wanted to push to move forward with putting information relative to the boards and committees in town on the website and that he thought it was very important to let residents have access to that information.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

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Chairperson Thomson indicated that on 2/3 there would be another Foreside forum and there would be an email going out to the previous attendees with the town manager's initial work plan.

Chairperson Thomson stated he would like to have a workshop with the Rice Library because he wanted to find out where they were going as there were significant tax payer funds involved.

b. Town Manager's Report –

Town Manager Puff stated relative to the Sowerby property, that she had discussed the fencing issue with the police chief and had instructed Mr. Sowerby to move forward with it and to give a key to the police department.

Town Manager Puff indicated relative to the FEMA maps, that the Planning Department had sent a letter to the 75 properties affected by the change and they would be putting up a copy on the website.

Town Manager Puff noted that the Brownsfield Grant had been submitted on January 22nd and thanked the Planning Department for their hard work.

Town Manager Puff stated that she had established an internal review group and they were trying to improve documents before they got to Council.

Town Manager Puff noted there was a sewer break on Walker Street and the response by the Sewer Department and Police Department was tremendous. She continued that the break had been caused by acidic wastewater and they had temporarily fixed the problem. Town Manager Puff said that Mr. Kathios was looking at a permanent fix and Council should expect a proposal to fund the permanent fixes at some point in the future.

Town Manager Puff stated relative to the 112 Manson Avenue property, that the building permit had been issued in October of 2013. She continued that the fire debris had been removed and the old structure had been demolished. Town Manager Puff said that construction had begun and would be completed in the next couple of months.

Town Manager Puff noted relative to the 2-4 Old Post Road property, that a notice of violation had been issued on October 23, 2013. She continued that the debris on the property was the result of a motor vehicle accident where a vehicle hit the porch. Town Manager Puff stated that the matter was still in the Court and it appeared that the repairs would be the obligation of the driver. She continued that the owners were given an extension until June 1st to bring the property into compliance.

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Town Manager Puff indicated that her intern, Devin Draker, was no longer with her. She noted that he had been a big help with the town website and that she would continue to work on the website. Town Manager Puff noted stated that it helped to receive comments and suggestions from Council.

Town Manager Puff noted that Council had received a copy of the 2013 audit and could arrange for the auditor to come and walk them through the document. She continued that she was preparing an RPF for a new auditor.

Town Manager Puff stated that the search for the DPW Commissioner was ongoing and they had received numerous resumes and were ready to start interviewing.

Town Manager Puff indicated relative to the John Paul Jones Park, that Kittery had submitted a proposal to take over the management and ownership of the park and the State had an internal comment period, and that period would be ending the next day so they expected to hear more in the near future.

c. Committee Reports –None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 9:09 P.M.